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# RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement* submitted by the Society for Threatened Peoples, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE. *200201088 3*
ENG

Discrimination of refugees in Australia

Society for Threatened Peoples would like to draw the attention of the honourable United Nations Commission on Human Rights to the discriminatory treatment of refugees in Australia which is contrary to international refugee and human rights law.

In light of the current refugee crisis in Southeast Asia and Oceania the Australian government has enacted policies that severely restrict the rights of refugees. Due to increasing numbers of asylum seekers Australia has adopted a tough refugee policy in 2001. Australia is refusing to allow asylum seekers to land on its shores to process their refugee applications. Instead it has adopted a new legislation which has removed Christmas Island and the Ashmore reef Islands from Australia's migration zone, the area within territorial waters from where applications for asylum can be lodged. Excising parts of the country from federal Australian law in order to avoid international obligations is not only extraordinary but a violation of International Law. The new provision violates the U.N. 1951 Geneva Refugee Convention which provides asylum to refugees, "irrespective of their mode of arrival." Australia has signed and ratified the Convention.

Furthermore the Australian government has decided to move the refugees on to various Pacific island nations where their applications will be processed. We are extremely concerned that Australia is offering huge aid packages to island nations in the South Pacific for lodging boat people who arrived on the Australian shores. The Australian government has paid $ 10 million to house hundreds of asylum seekers in makeshift camps while their claims are processed. Due to this discriminatory and inhuman treatment refugees are showing signs of post-traumatic stress. It's a cruel and demeaning policy to use aid deals to lure Pacific Island nations to accept boatloads of asylum seekers. We are calling upon the United Nations Human Rights Commission to condemn this policy of human trafficking.

In addition the new legislation tightens definitions and prevents asylum seekers from receiving the procedural safeguards and the protection to which they are entitled to under international refugee and human rights law. For example, arbitrary detention of asylum seekers outside the migration zone is allowed without judicial review. This provision is a violation of the guidelines of the United Nations High Commission on Refugees on the detention of asylum seekers. In violation of Article 31 of the refugee Convention applications from asylum seekers who have spent several days in transit in a "safe country" are prohibited.

Our Human Rights Organisation is very much concerned about the conditions in Australian refugee detention centres. We are extremely worried about the situation of at least 500 children who are currently detained in custody. We are calling upon the United Nations Human Rights Commission to urge Australia to release the children immediately.

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